

## **BOARD FOR BRANCH PILOTS MEETING MINUTES**

The Virginia Board for Branch Pilots met on Friday, July 31, 2009, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Captain Robert H. Callis, III  
Bruce R. Cherry  
Captain J. William Cofer  
Captain Milton B. Edmunds  
Thomas P. Host, III  
William M. Martin, III  
Douglas E. Miller  
Captain John A. Morgan, Jr.  
Meade G. Stone, Jr.

Staff present for the meeting were:

Jay DeBoer, Director  
Mark N. Courtney, Deputy Director of Licensing and Regulation  
Kathleen R. Nosbisch, Executive Director  
Amy Goobic, Administrative Assistant

Cynthia Norwood was present from the Office of the Attorney General.

Finding a quorum of the Board present, Mr. Cherry, President, called the meeting to order at 9:30 a.m.

### **Call to Order**

Mr. Cherry asked Ms. Nosbisch to introduce Amy Goobic, the new administrative assistant.

### **Introduction of New Administrative Assistant**

Mr. Martin moved to approve the agenda. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

### **Approval of Agenda**

Captain Cofer moved to have the minutes approved with amending. The word 'federal' in the April 30 minutes, should have read 'national.' Mr. Martin seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

### **Approval of Minutes**

Captain Callis provided the Board with a report of the examinations conducted by the Examination Administrators on July 30, 2009. The

### **Exam Administration**

following report was made:

**Report**

**Joseph R. McKnew**

Joseph R. McKnew answered oral questions related to the raise in grade. The subjects included safe anchoring positions for Lynnhaven and Sewell's Point, tide sailings, under keel clearance, the deep water route, naval nomenclature and chain of command, vessel interaction during overtaking situations and safe vessel speed. Captain McKnew received a BS in Economics from Hampden-Sydney in 2002. Captain McKnew is a Merchant Marine Officer and has an Unlimited Master's license with the U.S. Coast Guard. During his tenure as an apprentice and as a limited Branch Pilot, Captain McKnew has been on 2,296 ships. Captain McKnew stood a good examination and was found to be qualified. Captain Callis moved that Captain McKnew be raised from a Hotel classification (60,000 gross tons and 46 feet maximum draft) to a full Branch Pilot. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

Mr. Cherry presented Captain McKnew with his license and congratulated him on his accomplishment.

**Adam Lee Halstead**

Mr. Halstead has successfully completed his first two years of the Virginia Pilot Association's apprenticeship program. Adam L. Halstead answered oral questions related to the initial license. The subjects included courses and distances from Cape Henry to Newport News and Hospital Point, the master/pilot exchange of information, local traffic, port security, safe anchoring positions in Lynnhaven, Sewell's Point and Newport News, anchoring techniques, safe vessel speed, restricted visibility, vessel squat, bank suction and cushion, overtaking situations, docking and undocking situations, mooring procedures, under keel clearance, fatigue, license limitations and the duties of a pilot. Mr. Halstead received his BA in Economics from VMI in 2004. During his tenure as an apprentice, Mr. Halstead has been on 612 ships. Mr. Halstead stood a good examination and was found to be qualified. Captain Callis moved that Mr. Halstead be granted a limited branch pilot license with an Alpha License (16,000 gross tons and 25 feet maximum draft). Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone. Mr. Miller presented Mr. Halstead with his license and congratulated him on his accomplishment. Mr. Halstead introduced family and friends to the Board.

Charles Alfred Huffman V

Mr. Huffman has successfully completed his first two years of the Virginia Pilot Association's apprenticeship program. Charles A. Huffman V answered oral questions related to the initial license. The subjects included courses and distances from Cape Henry to Newport News and Hospital Point, the master/pilot exchange of information, local traffic, port security, safe anchoring positions in Lynnhaven, Sewell's Point and Newport News, anchoring techniques, safe vessel speed, restricted visibility, vessel squat, bank suction and cushion, overtaking situations, docking and undocking situations, mooring procedures, under keel clearance, fatigue, license limitations and the duties of a pilot. Mr. Huffman received his degree in Finance from James Madison University in 2005. During his tenure as an apprentice, Mr. Huffman has been on 613 ships. Mr. Huffman stood a good examination and was found to be qualified. Captain Callis moved that Mr. Huffman be granted a limited branch pilot license with an Alpha License (16,000 gross tons and 25 feet maximum draft). Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

Mr. Miller presented Mr. Huffman with his license and congratulated him on his accomplishment. Mr. Huffman introduced his family to the Board.

The Board members took a break from 9:50 a.m. to 10:05 a.m.

January Collins

Captain Collins answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Sewell's Point and Newport News, situational awareness, vessel interaction during overtaking situations, bank suction and cushion and safe vessel speed. Captain Collins stood a good examination and was found to be qualified. Captain Callis moved that Captain Collins be raised from a Charlie classification (28,000 gross tons and 30 feet maximum draft) to a Delta classification (32,000 gross tons and 32 feet maximum draft). Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

Benjamin Speckhart

Captain Speckhart answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Sewell's Point and Newport News, situational awareness, vessel interaction during overtaking situations, bank suction and cushion and safe vessel speed. Captain Speckhart stood a good examination and was found to be qualified. Captain Callis moved that Captain Speckhart be raised from a Charlie classification

(28,000 gross tons and 30 feet maximum draft) to a Delta classification (32,000 gross tons and 32 feet maximum draft). Mr. Martin seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

Jacob R. Johnson

Captain Johnson answered oral questions related to the extension of route. The subjects included the courses and distances from the James River Bridge to Hopewell, successful description of piloting the upper part of the James River from Hopewell to Richmond with regard to safe vessel placement in anticipation of bank cushion and suction in narrow turns, local traffic, docking and undocking at all berths in different stages of current, bridge clearances, emergency anchoring positions and safe vessel speed. Captain Johnson stood a good examination and was found to be qualified. Captain Callis moved that Captain Johnson be granted an extension of route from the James River Bridge to Richmond upon the James River. Captain Morgan seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

Mr. Host recused himself from the meeting and left the room as the company he works for, T. Parker Host, Inc., was the agent for the ships involved in the incident letters from Captains Torrence A. Rogers, and January Collins.

**Recusal of Mr.  
Host**

The Board reviewed a letter from Captain Torrence A. Rogers, regarding an incident on April 26, 2009, involving the FEDERAL WESER.

**Captain Torrence  
A. Rogers –  
FEDERAL  
WESER**

On April 26, 2009, Captain Rogers was ordered for 0630 on board the FEDERAL WESER for a transfer from Sewells Point Anchorage F-1 to Southern Aggregate on the Upper Reach of the Southern Branch of the Elizabeth River. The FEDERAL WESER is a bulk ship with length overall of 656 ft 2 in; a width of 78 ft 8 in, and a gross tonnage of 22654. The vessel is fitted with a 10540 hp engine with a right hand fixed propeller and a 1200 hp bowthruster. The vessels draft was 34 ft 7 in fwd and 34 ft 9 aft. Southern Aggregate advertises its depths at the dock to be 35 ft at mean low water and according to the facility manager/pier master maintenance dredging was performed in March/April of 2009 after the last calling vessel departed the facility. Winds were 10-15 kts out of the West-Southwest, visibility was unrestricted and the current was slack for flood.

Upon boarding the vessel, Captain Rogers had a master pilot exchange with the master and began to heave the anchor. The ship was underway at approximately 0650 and proceeded inbound on the Elizabeth River. At approximately 0750 the docking master boarded the vessel in the vicinity of

Pinner Reach of the Elizabeth River off of Portsmouth Marine Terminal. Captain Rogers conducted an exchange of information with the docking master, Jimmy Morgan, and the master of the vessel and turned over control of the conn to the docking master. The tug EMILY ANNE MCCALLISTER was made fast to the port bow with a single head line and the ship continued to proceed inbound on the Southern Branch of the Elizabeth River at bare steerageway with the tug MARY L. MCCALLISTER following astern.

After going through the Old Virginia Bridge the docking master ordered the engine stopped and the MARY L. MCCALLISTER was made fast to the port quarter of the vessel with a single headline. The vessel speed dropped to less than 2 kts when the docking master ordered the engine dead slow ahead and began swinging the vessel to port as we approached the dock to go starboard side alongside. The current at this time was still slightly flooding approaching slack water. At approximately 0910 the bow of the vessel entered the slip and was approximately 20 ft off the dock and holding. The docking master stopped the engine and was using the tugs to position the ship closer to the dock as it proceeded forward into the slip. The docking master stopped the vessel approximately 30 feet from the bulkhead of the slip and approximately 10 feet off the fendering system of the dock. The distances were verified by the mate on the bow, the tug, and linehandlers on the pier. The facility manager asked that the ship be moved fwd, closer to the bulkhead. The docking master put the ship dead slow ahead and the ship began to move forward. The ship was making less than 1 kt as it approached the bulkhead. The vessel moved to within 20 ft of the bulkhead and slowed to 0 kts with the engine still turning for dead slow ahead. The vessel did not roll or shutter when it stopped and the bottom sounder indicated approximately 2 ft 3 in under the keel. The tugs were working ahead on the vessel to try and push her closer to the dock, but the vessel would not go any closer than 10 feet from the fendering system. The facility manager/pier master asked that the ship be brought further forward and it was explained to him that the vessel could not go any further forward. The facility manager/pier master then said that if the vessel could not go any further he wanted the vessel turned around and taken back out to the anchorage. Captain Rogers contacted the agent and explained to him the situation and that he believed the vessels bow was aground and that he would contact the Coast Guard. The agent contacted the facility manager/pier master and the ship was made fast to the dock. Captain Rogers explained to the Captain that he believed the vessel's bow was aground and that he was going to contact the Coast Guard.

The Coast Guard was contacted and made aware of the situation. Soundings of the vessel were ordered for every 30 minutes to check for any possible flooding or discharge from the vessel. The master concluded that there were no problems and Captain Rogers completed his duties at 1015

and departed the vessel.

After review and discussion, Mr. Miller moved that the letter be filed and that the Board take no action, as there appears to be no violation of the Board's regulations or statutes. Mr. Martin seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, Miller, Morgan, and Stone.

The Board reviewed a letter from Captain January Collins, regarding an incident on June 8, 2009, involving the M/V ICE PEARL.

**Captain January  
Collins – M/V ICE  
PEARL**

On the 6<sup>th</sup> of June 2009 Captain Collins was ordered to sail the M/V ICE PEARL from Chesapeake Energy Center (CEC) on the Southern Branch of the Elizabeth River to Sewell's Point anchorage at 2100. Captain Collins boarded the vessel at approximately 2030. The Master of the ship presented her with the vessels particulars and the pilot card. Captain Collins reviewed the pilot card and conducted a verbal Master/Pilot exchange. The Master reported that the ship's navigational and mechanical systems were in good working order. Captain Collins noted the draft on the Pilot card to be 25' 4" and the vessel's air draft to be approximately 125'. Captain Collins also noted that the vessel's length overall was 600' 03" and its beam was 95' 2". Captain Collins then proceeded to call the Joint Harbor Operation Control (JHOC) on VHF-FM Channel 12 to request permission to get underway from CEC and proceed to Sewell's Point anchorage. The JHOC watchstander granted the vessel permission to get underway and Captain Collins relayed this information to the docking master Captain Ronnie Ainsley.

The docking master ordered the tug April Moran to make her line fast to the vessels after center leading chock, the tug Surrie Moran to make her line fast to the bows center leading chock and the tug Town Point to position herself amidships on the port side working ahead easy to hold the vessel to the berth with no line. Once the Master, docking master, and Captain Collins were in agreement to get underway the docking master gave the order to single up all lines. Captain Collins proceeded to give a security call on VHF-FM Channel 13 announcing that the vessel would be getting underway from CEC and proceeding outbound through the Gilmerton Highway bridge. Once all lines were singled up, the docking master gave the command to take all lines in. After all lines were onboard the vessel, the docking master began to maneuver the vessel away from the berth with the assistance of the tugs, and the ships engines, and rudder.

The docking master maneuvered the vessel away from the berth and turned the ship to port 180 degrees in the Newton Creek turning basin. Once this maneuver was completed, Captain Collins gave another security call on VHF-FM Channel 13 announcing the vessels intentions and called railroad

bridge five on her cellular phone to ensure that they would not be lowering railroad bridge seven while they were transiting the bridge. The bridge tender informed Captain Collins that a train was coming but that the railroad bridge would remain open until they were clear of the fender system.

Once the docking master had maneuvered the vessel to the centerline of the bridge's fender system and was satisfied with the vessel's position in relation to the bridge he asked Captain Collins to call the Gilmerton Highway bridge to request a full lift of the bridge's span. Captain Collins called the bridge tender on VHF-FM Channel 13 to request the opening and the bridge tender acknowledged and complied with her request immediately.

Once the bridge's span was fully open the dock master maneuvered the vessel through both spans. At approximately 2043 the port side of the ship (approximately in the vicinity of the vessel's number one hatch) touched the western side of the bridge's fender system. Captain Collins was positioned on the vessels port side when the ship touched the fender system and from her point of view could not tell that the ship had touched the fender system nor did Captain Collins observe any damage to the fender system or the vessel. The dock master used the tugs to stop the vessel's swing to port before the vessel touched the fender system and had the vessel swinging back to starboard just as the ship grazed the western fender system. To Captain Collins, knowledge there was absolutely no impact and the grazing was very minimal. The dock master then proceeded to maneuver the ship through the span without incident. The wind at this time was calm, and the current at the bridge was approximately 30 minutes before slack water at the bridge. The velocity of the current at the time of the incident was approximately 0.1 - 0.2 knots (flood) or less.

Once the ship was clear of the fender system, the Gilmerton Highway bridge tender told the three tugs involved in the evolution "Good Job" on VHF-FM Channel 13. The dock master conned the vessel to Hospital Point at which point Captain Collins took the conn and proceeded to K-1 anchorage. Captain Collins disembarked the vessel at approximately 0015 on the 7<sup>th</sup> of June 2009.

After review and discussion, Mr. Martin moved that the letter be filed and that the Board take no action, as there appears to be no violation of the Board's regulations or statutes. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, Miller, Morgan, and Stone.

Mr. Host returned to the meeting.

**Return of Mr. Host**

Mr. Martin moved to adopt the following meeting and examination dates for 2010:

**Consideration of  
2010 Meeting Dates**

Monday, February 1, 2010, Examination Administrators Meeting;  
Tuesday, February 2, 2010, Branch Pilots Board Meeting;  
Thursday, April 29, 2010, Branch Pilots Board Meeting;  
Thursday, July 29, 2010, Examination Administrators Meeting;  
Friday, July 30, 2010, Branch Pilots Board Meeting;  
Tuesday, November 2, 2010; Examination Administrators Meeting  
and Branch Pilots Board Meeting;  
Tuesday & Wednesday, December 7 & 8, 2010, Renewals; and  
Tuesday, December 14, 2010, Branch Pilots Board Meeting.

Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

Discussion was held regarding proposed regulation changes resulting from the Chemical Testing Committee. Captain Cofer requested clarification and more information on the proposed changes in the language of 18VAC45-20-05. Mr. Miller suggested a look at case law results, and requested further research by Ms. Norwood.

#### **Regulatory Review**

The Board discussed 18VAC45-20-40.10 and the possible deletion of “in excess of \$100,000.” Mr. Stone moved to keep the wording as written. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

The additional proposed language to 18VAC45- 20-50.C was discussed, adding the following to 18VAC45-20-50.C.5:

“The MRO shall report in writing to the licensee, president or vice-president of the board, and to the board’s administrator of any delay or refusal by a licensee in reporting to test or being tested.”

Captain Cofer moved to adopt the language. Mr. Martin seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Host, Martin, Miller, Morgan, and Stone.

The Board agreed to continue discussion at the October meeting on the proposed changes that were not voted on at this meeting.

The recommended changes and addition of HIPAA language to the Drug and Alcohol Testing forms were discussed. Ms. Norwood of the Attorney General’s office will continue to revise the language on this form.

The Board agreed by consensus that due to the length of the Regulatory Review discussion, the COIA Training will be deferred to the board meeting, October 30, 2009.

#### **Conflict of Interest Act Training**



Ms. Norwood informed the Board that she had been contacted by Mr. McCrory's attorney.

**Other Business**

Ms. Nosbisch informed the Board that due to revisions of the Appropriations Act, effective July 1, 2009, board member per diem may be eliminated. The agency is waiting on interpretation of the revised language in the Appropriations Act; the board members will be notified as soon as the Board is informed of the decision.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest  
Forms**

There being no further business, the meeting was adjourned at 12:15 p.m..

**Adjourn**

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Bruce R. Cherry, President

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Jay W. DeBoer, Secretary